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EXAMINER

EGLOFF, PETER RICHARD

ART UNIT	PAPER NUMBER
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3715

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,278	Applicant(s) ITO, MAMORU	
	Examiner PETER R. EGLOFF	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 18-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/31/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 31 August, 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

2. Claims 18-51 are objected to because of the following informalities: Independent claims 18-22, 43 and 49-51 recite the transitional phrase "having." The use of this transitional phrase does not allow one of ordinary skill in the art to determine the scope of the claims and what additional components or steps, if any, are excluded from the scope of the claim. The transitional phrases "comprising," "consisting of," and "consisting essentially of" better define the scope of claims, and are suggested as more acceptable alternatives to the phrase "having." Appropriate correction is required. See MPEP § 2111.03. Claims 23-42 and 44-48 are objected to because they inherit the deficiencies of their respective parent claims, above.

Claims 18-51 are also objected to because of the following informalities: Independent claims 18-22, 43 and 49-51 set forth a plurality of elements or steps that are presented in paragraph form without separating each element or step by a line indentation. MPEP § 608.01(i) states that where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. Appropriate correction is required. Claims 23-42

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and 44-48 are objected to because they inherit the deficiencies of their respective parent claims, above.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 49-51 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 49 recites a program for making a student terminal. It appears that Applicant intends to claim a computer program, however the recitation of a program not tied to a machine is a data structure *per se*, which means it is functional descriptive material, and as such is not statutory unless tied to a machine (i.e. a computer) that allows its functionality to be realized.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 49-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 49 recites a “program for making a student terminal,” that includes the recitation of “function as a display step...,” followed by the recitation of a collecting step and a transmitting step. It is unclear what statutory class of invention claim 49 is intended to

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comprise, since it begins by claiming a "program", followed by several process steps that include no explanation of how or what portion of the "program" is performing these steps. Furthermore, it is unclear as to what is the meaning of the phrase "function of a display step"; one of ordinary skill can not deduce from this phrase what Applicant is intending to claim. Claims 50 and 51 are rejected for inheriting the deficiency of their parent claim, 49.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 18, 20, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shapiro et al. (US Patent No. 4,715,818).

Regarding claims 18, 20 and 22, Shapiro discloses a learning system connecting a student terminal (14) having an operating portion capable of being operated by a student, a display portion (22) on which an image visible by the student is displayed, and a display control means for displaying the image on the display portion, to an instructor terminal (12) having a display portion (18) displaying an image visible by an instructor, and a display control means for displaying an image on the display portion, so as to freely communicate, and transmitting and receiving learning information relating to a learning between the student terminal and the instructor terminal, wherein the student terminal has a learning operation information collecting means for sequentially collecting learning operation information (student's work) on the basis of

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operation of the operating portion in correspondence to the learning information displayed on the display portion of the student terminal, and a transmitting means for sequentially transmitting the learning operation information to the instructor terminal, and the display control means in the instructor terminal has a function of sequentially displaying the image relating to the learning operation information on the display portion of the instructor terminal (column 2, line 30 – column 3, line 11) (as per claim 18), a learning system connecting an instructor terminal (12) having an operating portion capable of being operated by an instructor, a display portion (18) on which an image visible by the instructor is displayed, and a display control means for displaying an image on the display portion, to a student terminal (14) having a display portion (22) displaying an image visible by a student, and a display control means for displaying the image on the display portion, so as to freely communicate, and transmitting and receiving learning information relating to a learning between the student terminal and the instructor terminal, wherein the instructor terminal has an instructor operation information collecting means for sequentially collecting instructor operation information (corrections and instructions) on the basis of operation of the operating portion, and a transmitting means for sequentially transmitting the instructor operation information to the student terminal, and the display control means in the student terminal has a function of sequentially displaying the image relating to the instructor operation information on the display portion of the student terminal (column 2, line 64 – column 3, line 11) (as per claim 20), and a learning system connecting an instructor terminal having an operating portion capable of being operated by an instructor, a display portion on which an image visible by the instructor is displayed, and a display control means for displaying an image on the display portion, to a student terminal having an operating portion capable of being

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operated by a student, a display portion displaying an image visible by the student, and a display control means for displaying the image on the display portion, so as to freely communicate, and transmitting and receiving learning information relating to a learning between the student terminal and the instructor terminal, wherein the student terminal has a learning operation information collecting means for sequentially collecting learning operation information on the basis of operation of the operating portion in correspondence to the learning information displayed on the display portion of the student terminal, and a transmitting means for sequentially transmitting the learning operation information to the instructor terminal, the display control means in the instructor terminal has a function of sequentially displaying the image relating to the learning operation information on the display portion of the instructor terminal, the instructor terminal has an instructor operation information collecting means for sequentially collecting an instructor operation information on the basis of operation of the operating portion, and a transmitting means for sequentially transmitting the instructor operation information to the student terminal, and the display control means in the student terminal has a function of sequentially displaying the image relating to the instructor operation information on the display portion of the student terminal (column 2, line 30 – column 3, line 11) (as per claim 22).

9. Claims 43 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Salette (US Patent No. 6,155,840).

Regarding claims 43 and 45, Salette discloses a learning server (102) connected to a student terminal (108) having an operating portion capable of being operated by a student, and a display portion on which an image visible by the student is displayed and an instructor terminal

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having a display portion on which an image visible by an instructor is displayed, so as to freely communicate, and transmitting and receiving learning information relating to a learning with respect to the student terminal and the instructor terminal, wherein the learning server has a transmitting means for sequentially transmitting a signal for sequentially displaying an image relating to learning operation information on the basis of operation of the operating portion on the display portion of the instructor terminal to the instructor terminal, in correspondence to the learning information sequentially transmitted from the student terminal and displayed on the display portion of the student terminal (column 7, line 59 – column 8, line 7; column 8, line 62 – column 9, line 4; see Fig. 1) (as per claim 43), and wherein the learning server has a transmitting means for sequentially transmitting a signal for sequentially displaying an image relating to character information (text) included in the learning operation information on the basis of the operation of the operating portion on the display portion of the instructor terminal, to the instructor terminal, in correspondence to the learning information sequentially transmitted from the student terminal and displayed on the display portion of the student terminal (column 8, line 62 – column 9, line 4) (as per claim 45).

10. Claims 49-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamilton (US Patent No. 5,176,520).

Regarding claims 49-51, Hamilton discloses a program for making a student terminal (151-161 – see Fig. 1) having an operating portion capable of being operated by a student and a display portion (102) on which an image visible by the student is displayed, function as a display step of displaying learning information relating to a learning on the display portion, a collecting

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step of sequentially collecting a learning operation information on the basis of operation of the operating portion, in correspondence to the learning information displayed on the display portion in accordance with the display step, and a transmitting step of sequentially transmitting a signal for displaying the learning operation information sequentially collected in accordance with the collecting step on a display portion in an instructor terminal (106) connected so as to freely communicate, to the instructor terminal (column 2, lines 25-64) (as per claim 49), a program for making a student terminal having an operating portion capable of being operated by an instructor and a display portion on which an image visible by the instructor is displayed, function as a display step of displaying instruction information relating to an instruction on the display portion, a collecting step of sequentially collecting instruction operation information on the basis of operation of the operating portion, in correspondence to the instruction information displayed on the display portion in accordance with the display step, and a transmitting step of sequentially transmitting a signal for displaying the instruction operation information sequentially collected in accordance with the collecting step on a display portion in a student terminal connected so as to freely communicate, to the student terminal (column 2, lines 25-64) (as per claim 50), a program for making a student terminal having an operating portion capable of being operated by a student and a display portion on which an image visible by the student is displayed, function as a display step of displaying learning information relating to a learning on the display portion, a collecting step of sequentially collecting learning operation information on the basis of operation of the operating portion, in correspondence to the learning information displayed on the display portion in accordance with the display step, and a transmitting step of sequentially transmitting a signal for displaying the learning operation information sequentially collected in accordance with the

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collecting step on a display portion in another student terminal and an instructor terminal connected so as to freely communicate, to the other student terminal and the instructor terminal (column 2, lines 25-64) (as per claim 51).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 38, 40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro et al. (US Patent No. 4,715,818).

Regarding claims 38, 40 and 42, Shapiro does not explicitly disclose the student terminal has a selecting means for selecting whether making the function of transmitting the learning operation information by the transmitting means effective or ineffective. However, the examiner takes OFFICIAL NOTICE that the function of allowing a user to activate or inactivate a learning operation such as that taught by Shapiro is old and well known. It would have been obvious to

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one skilled in the art at the time of the invention to modify the teachings of Shapiro by providing a selecting means for making the operation effective or ineffective, as required, with the motivation of allowing the user to being participating when he is ready.

14. Claims 19, 29 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro et al. (US Patent No. 4,715,818) in view of Salette (US Patent No. 6,155,840).

Regarding claims 19 and 29, Shapiro discloses a learning system connecting a student terminal having an operating portion capable of being operated by a student, a display portion on which an image visible by the student is displayed, and a display control means for displaying the image on the display portion, to an instructor terminal having a display portion displaying an image visible by an instructor, a display control means for displaying an image on the display portion, and a voice generating means for generating a voice, so as to freely communicate, and transmitting and receiving learning information relating to a learning between the student terminal and the instructor terminal, wherein the student terminal has a learning operation information collecting means for sequentially collecting a learning operation information on the basis of an operation of the operating portion in correspondence to the learning information displayed on the display portion of the student terminal (column 2, line 30 – column 3, line 11). Shapiro does not explicitly disclose a photographing means for sequentially photographing face information of the student, a voice collecting means for sequentially collecting voice information generated by the student, and a transmitting means for sequentially transmitting the face information, the learning operation information and the voice information to the instructor terminal, the display control means in the instructor terminal has a function of sequentially

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displaying the image relating to the face information and the learning operation information on the display portion of the instructor terminal, and the voice generating means in the instructor terminal has a function of generating the voice information (as per claim 19), and the learning operation information collecting means in the student terminal has a function of sequentially collecting positional information (as per claim 29). However, Salette discloses a student/instructor collaboration system where video cameras are used to provide a sequential image of the student on the instructor's screen, and a sequential image of the instructor on the student's screen (column 4, line 66 - column 5, line 21), and the student terminal includes a computer mouse for collecting positional information (see Fig. 2). It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Shapiro by adding the video conferencing system taught by Salette, with the motivation of allowing the instructor to see and communicate with students in remote locations.

Regarding claim 39, Shapiro and Salette do not explicitly disclose the student terminal has a selecting means for selecting whether making the function of transmitting the learning operation information by the transmitting means effective or ineffective. However, the examiner takes OFFICIAL NOTICE that the function of allowing a user to activate or inactivate a learning operation such as that taught by Shapiro is old and well known. It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Shapiro and Salette by providing a selecting means for making the operation effective or ineffective, as required, with the motivation of allowing the user to being participating when he is ready.

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15. Claims 21, 28, 30-32 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro et al. (US Patent No. 4,715,818) in view of Hamilton (US Patent No. 5,176,520).

Regarding claim 21, Shapiro discloses a learning system connecting a student terminal having an operating portion capable of being operated by a student, a display portion on which an image visible by the student is displayed, and a display control means for displaying the image on the display portion, to an instructor terminal having a display portion displaying an image visible by an instructor, and a display control means for displaying an image on the display portion, so as to freely communicate, and transmitting and receiving learning information relating to a learning between the student terminal and the instructor terminal (column 2, line 30 – column 3, line 11). Shapiro does not explicitly disclose the instructor terminal and another of the student terminal has a learning operation information collecting means for sequentially collecting learning operation information on the basis of an operation of the operating portion of one of the student terminal, and a transmitting means for sequentially transmitting the learning operation information to the instructor terminal and the other of the student terminal, and the display control means in the other student terminal and the instructor terminal have a function of sequentially displaying the image relating to the learning operation information on the display portions of the other student terminal and the instructor terminal (as per claim 21), and the learning operation information collecting means in the student terminal has a function of sequentially collecting positional information (as per claims 28 and 30-32). However, Hamilton discloses, in a similar screen-sharing instructor/student collaboration system, the idea of transmitting the material on one student's screen to the screens of the rest of the students in the class (column 2, lines 55-57), and the student terminal collects positional information (via stylus

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– see Fig. 6a). It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Shapiro by adding transmitting the material on the student's screen to other students and allowing the student terminal to collect positional information, as taught by Hamilton, with the motivation of allowing the students to learn from each other as well as the instructor.

Regarding claim 41, Shapiro and Hamilton do not explicitly disclose the student terminal has a selecting means for selecting whether making the function of transmitting the learning operation information by the transmitting means effective or ineffective. However, the examiner takes OFFICIAL NOTICE that the function of allowing a user to activate or inactivate a learning operation such as that taught by Shapiro is old and well known. It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Shapiro and Hamilton by providing a selecting means for making the operation effective or ineffective, as required, with the motivation of allowing the user to being participating when he is ready.

16. Claims 23, 25, 27, 33, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro et al. (US Patent No. 4,715,818) in view of DeNicola et al. (US Patent No. 6,288,753 B1).

Regarding claims 23, 25, 27, 33, 35 and 37, Shapiro does not explicitly disclose the instructor terminal has a transmitting means for transmitting question information relating to the learning to the student terminal, and the learning operation information collecting means in the student terminal has a function of sequentially collecting the learning operation information on the basis of the operation of the operating portion in correspondence to the question information

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displayed on the display portion of the student terminal (as per claims 23, 25 and 27), and the instructor terminal has a learning memory means for storing at least one of the learning operation information (as per claims 33, 35 and 37). However, DeNicola discloses an interactive learning system where an instructor transmits question information to a student terminal so that the student can respond to the question (column 4, line 51 – column 5, line 7), and storing the student's answers in a database (learning operation information) (column 13, lines 37-48). It would have been obvious to modify the teachings of Shapiro by adding the exam feature and storing means taught by DeNicola, with the motivation of allowing the instructor to determine whether the students are learning the information being taught.

17. Claims 24 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro et al. (US Patent No. 4,715,818) in view of Salette (US Patent No. 6,155,840), and further in view of DeNicola et al. (US Patent No. 6,288,753 B1).

Regarding claims 24 and 34, Shapiro and Salette do not explicitly disclose the instructor terminal has a transmitting means for transmitting question information relating to the learning to the student terminal, and the learning operation information collecting means in the student terminal has a function of sequentially collecting the learning operation information on the basis of the operation of the operating portion in correspondence to the question information displayed on the display portion of the student terminal (as per claim 24), and the instructor terminal has a learning memory means for storing at least one of the learning operation information (as per claim 34). However, DeNicola discloses an interactive learning system where an instructor transmits question information to a student terminal so that the student can respond to the

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question (column 4, line 51 – column 5, line 7), and storing the student's answers in a database (learning operation information) (column 13, lines 37-48). It would have been obvious to modify the teachings of Shapiro and Salette by adding the exam feature and storing means taught by DeNicola, with the motivation of allowing the instructor to determine whether the students are learning the information being taught.

18. Claims 26 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro et al. (US Patent No. 4,715,818) in view of Hamilton (US Patent No. 5,176,520), and further in view of DeNicola et al. (US Patent No. 6,288,753 B1).

Regarding claims 26 and 36, Shapiro and Hamilton do not explicitly disclose the instructor terminal has a transmitting means for transmitting question information relating to the learning to the student terminal, and the learning operation information collecting means in the student terminal has a function of sequentially collecting the learning operation information on the basis of the operation of the operating portion in correspondence to the question information displayed on the display portion of the student terminal (as per claim 26), and the instructor terminal has a learning memory means for storing at least one of the learning operation information (as per claim 36). However, DeNicola discloses an interactive learning system where an instructor transmits question information to a student terminal so that the student can respond to the question (column 4, line 51 – column 5, line 7), and storing the student's answers in a database (learning operation information) (column 13, lines 37-48). It would have been obvious to modify the teachings of Shapiro and Hamilton by adding the exam feature and storing means

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taught by DeNicola, with the motivation of allowing the instructor to determine whether the students are learning the information being taught.

19. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salette (US Patent No. 6,155,840) in view of DeNicola et al. (US Patent No. 6,288,753 B1).

Regarding claim 44, Salette discloses the learning server has a question information memory means for storing question information relating to a learning, and the transmitting means has a function of transmitting the question information to the student terminal in correspondence to a question request signal from the instructor terminal (column 9, lines 38-50). It is noted that Salette does not explicitly disclose a function of sequentially transmitting a signal for sequentially displaying an image relating to the learning operation information on the basis of the operation of the operating portion on the display portion of the instructor terminal, to the instructor terminal, in correspondence to the question information sequentially transmitted from the student terminal and displayed on the display portion of the student terminal. However, DeNicola discloses a similar system where student can respond to the questions, as required (column 4, line 51 – column 5, line 7). It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Salette by allowing the student to respond to the questions, as taught by DeNicola, with the motivation of allowing the instructor to determine whether the student is learning the material.

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20. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salette (US Patent No. 6,155,840) in view of DeNicola et al. (US Patent No. 6,288,753 B1), and further in view of Holtz et al. (US Patent No. 6,909,874 B2)

Regarding claim 47, Salette and DeNicola do not explicitly disclose the learning server has a billing means for billing with respect to the student terminal and/or the instructor terminal, in the case that the function in the transmitting means is made effective. However, Holtz discloses a similar computer-based educational system that includes a billing process for billing students who active the service (column 18, line 54 – column 19, line 3). It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Salette and DeNicola by adding the billing feature taught by Holtz, with the motivation of providing a mechanism for the student to pay for the services.

21. Claims 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salette (US Patent No. 6,155,840) in view of Holtz et al. (US Patent No. 6,909,874 B2)

Regarding claims 46 and 48, Salette does not explicitly disclose the learning server has a billing means for billing with respect to the student terminal and/or the instructor terminal, in the case that the function in the transmitting means is made effective. However, Holtz discloses a similar computer-based educational system that includes a billing process for billing students who active the service (column 18, line 54 – column 19, line 3). It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Salette by adding the billing feature taught by Holtz, with the motivation of providing a mechanism for the student to pay for the services.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lemelson (US Patent No. 5,823,788) discloses an interactive educational system.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Egloff whose telephone number is (571) 270-3548. The examiner can normally be reached on M-F 7:30am - 5:00 pm EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached at (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kathleen Mosser/
Primary Examiner, Art Unit 3715

Peter Egloff
3/25/09

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